

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David B. Johnson,

Civil No. 11-2610 (RHK/JJG)

Petitioner,

ORDER

v.

Jessica Symmes,

Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 23) is **ADOPTED**;
2. The Petition for Writ of Habeas Corpus (Doc No. 1) is **DENIED**;
3. Petitioner's Motion for Reconsideration of the Appointment of Counsel and for an Investigator (Doc. No. 19) is **DENIED**;
4. The Court **DECLINES** to issue a Certificate of Appealability; and
5. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 27, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge